



# California Regional Water Quality Control Board

## Los Angeles Region

FEB 01 1999

Gray Davis  
Governor

Winston H. Hickox  
Secretary for  
Environmental  
Protection

101 Centre Plaza Drive, Monterey Park, California 91754-2156  
Phone (323) 266-7500 · FAX (323) 266-7600  
Internet Address: <http://www.swrcb.ca.gov/~rwqcb4>

January 25, 1999

Ms. June M. Christman  
Cenco Refining Company  
12345 Lakeland Road  
P.O. Box 2108  
Santa Fe Springs, CA 90670-3857

**POWERINE OIL REFINERY - 12345 LAKELAND ROAD, SANTA FE SPRINGS - GROUND  
WATER MONITORING WELL REPLACEMENT (FILE NO. 87-14)**

Dear Ms. Christman:

We have reviewed your facsimile dated January 25, 1999, supplementing your letter dated November 20, 1998, requesting approval of the abandonment of monitoring wells MW-206 and MW-503 and replacement of these monitoring wells with one monitoring well located between them. The letter also indicated that monitoring well MW -600 would be repaired. The well screen is located below the water table.

You are authorized to make the above modifications to the Monitoring and Sampling Program for the subject site.

Please call Keith Elliott at (213) 266-7614 if you have any questions.

Sincerely,

Rebecca Chou, Ph.D., P.E.  
Chief, Site Cleanup Unit

cc: ✓ Mr. Mukul Agarwal, Department of Toxic Substances Control - Region 3, Glendale  
Mr. Andrew Lazzaretto, City of Santa Fe Springs

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**BACKGROUND**

Texaco was the owner and operator of the Walker Property commencing in the 1920s, and continuing through at least 1979. The Walker Property generally consists of 22 acres, and historically has included a variety of improvements including administrative and operations buildings, above-ground storage tanks, underground storage tanks, sumps, and rail spurs. Over the course of several decades, the Walker Property has been put to many uses by Texaco and/or its lessees, including crude oil storage, oil well drilling waste disposal, waste oil storage and recycling, jet fuel storage, gas oil storage, petroleum product transfer operations, and heavy equipment assembly and repair.

**GENERAL ALLEGATIONS**

Powerine is a "person" as that term is defined in 42 U.S.C. 6903(15) in that Powerine is a corporation. Texaco is also a "person" as that term is defined in 42 U.S.C. 6903(15), in that Texaco is a corporation. Because Texaco's owner and operator status at the Walker Property did result and continues to result in the discharge of hazardous waste, including but not limited to cis-1,2-dichloroethene, Vinyl Chloride, 1,1-dichloroethane, Benzene, Total Petroleum Hydrocarbons as Gasoline (TPH-g), Isopropylbenzene, n-propyl benzene, sec-butyl benzene, PCBs (Aroclor 1248, 1254, and 1260), Lead, Barium, Toluene, Ethylbenzene, Xylenes, Tetrachloroethene (PCE), Trichloroethene (TCE), 2-methyl-naphthalene, Benzo(a)pyrene, Benzo(b)fluoranthene, Chrysene, Fluorene, Naphthalene, Phenanthrene, Pyrene, TPH-gasoline, TPH-diesel, Texaco is a generator pursuant to 40 CFR 260.10.

Regulations pertaining to hazardous waste found at 40 CFR §261-281 were enacted pursuant to RCRA, 42 U.S.C. §§ 6901-6992(k). All state regulations applicable to owners, operators and generators of hazardous waste that are less stringent than those promulgated under Subchapter III of RCRA are expressly pre-empted by Congressional mandate under §3009 of RCRA, 42 U.S.C. §6929, which expressly authorizes states to enact only more stringent standards applicable to owners, operators and generators of hazardous waste.

**CONCLUSION**

Texaco has contributed to the past and present handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste that has presented and today presents an immediate, imminent and substantial endangerment to health or the environment at and around the Walker Property and SFS Properties. In particular, Texaco during the course and scope of its ownership and operations at the Walker Property contributed to the past or present handling storage, treatment, transportation or disposal of solid waste or hazardous waste, including but not limited to the

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discharge, dumping, spilling and leaking of cis-1,2-dichloroethene, Vinyl Chloride, 1,1-dichloroethane, Benzene, Total Petroleum Hydrocarbons as Gasoline (TPH-g), Isopropylbenzene, n-propyl benzene, sec-butyl benzene, PCBs (Aroclor 1248, 1254, and 1260), Lead, Barium, Toluene, Ethylbenzene, Xylenes, Tetrachloroethene (PCE), Trichloroethene (TCE), 2-methylnaphthalene, Benzo(a)pyrene, Benzo(b)fluoranthene, Chrysene, Fluorene, Naphthalene, Phenanthrene, Pyrene, TPH-gasoline, TPH-diesel into the surrounding environment, including the surface and sub-surface soils and groundwater.

The solid waste and **hazardous waste** which Texaco handled, stored, owned, transported, and disposed of at and from the Walker Property at various times, past and present, have commingled in the environment, including sub-surface soils and groundwater at and around the SFS Properties. All of these commingled discharges have created a single indivisible harm and have presented and today present an imminent and substantial endangerment to health and the environment. Further, because the solid waste and **hazardous waste** attributable to the past and present handling, storage, treatment, transportation or disposal of solid waste and **hazardous waste** by Texaco has commingled in sub-surface soils and groundwater, it is scientifically and technologically infeasible to apportion the resulting single indivisible harm and endangerment to health and the environment, nor can that single, indivisible harm and endangerment to health and the environment be abated or remediated by addressing any portion of the solid waste and **hazardous waste** contamination without addressing the entire solid waste and **hazardous waste** contamination problem. Accordingly, Texaco is jointly and severally liable for the investigation and remediation of the single, indivisible harm and imminent and substantial endangerment to health and the environment at and around the Walker Property, and for any and all appropriate legal or equitable remedies.

Should settlement of the subject matter of this Notice not be achieved sooner than ninety (90) days following issuance of this Notice, Powerine will seek appropriate mandatory and prohibitory injunctive relief, as authorized by RCRA §7002(a), 42 U.S.C. 6972(a), ordering Texaco to forthwith undertake and diligently pursue to completion all of the obligations imposed by, among other laws and regulations, RCRA Subtitle C and its implementing regulations, together with any additional or more stringent obligations that have been or may be validly imposed by other federal, state or municipal laws, including but not limited to assuming responsibility for conducting further remedial investigation and implementing the final remedial action as determined by the Court.

Powerine will also seek relief requiring Texaco take such actions as may be necessary, including but not limited to, making restitution to Powerine for the environmental endangerment, response costs, and damages incurred subsequent to issuance of this Notice, as well as costs of litigation including reasonable attorneys and expert witness fees. Finally, Powerine will seek preliminary and final injunctive relief ordering Texaco to indemnify and hold harmless Powerine from any future costs, response and liability arising out of contamination at or in the vicinity of the SFS Properties.

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The full name, address and telephone number of the persons giving this Notice is:

Powerine Oil Company, Inc.  
Attention: June Christman,  
Manager, Environmental Engineering  
12345 Lakeland Road  
Santa Fe Springs, California 90670

The name, address and telephone number of legal counsel representing the person giving notice is:

David R. Isola, Esq.  
701 South Ham Lane, Second Floor  
Lodi, California 95242  
(209) 367-7055

Very truly yours,



DAVID R. ISOLA

cc: See Attached Mailing List